

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:17-cv-301-FDW**

MARCUS A. WILSON,)
)
Plaintiff,)
)
vs.)
)
)
FNU WILSON, et al.,)
)
Defendants.)
)

ORDER

THIS MATTER is before the Court on its August 14, 2018, Order requiring Plaintiff to file an Amended Complaint. (Doc. No. 6).

The Complaint was dismissed on initial review pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (Doc. No. 6). The Court granted Plaintiff 14 days to file an Amended Complaint and warned him that failure to do so would result in this case's dismissal without prejudice. (Doc. No. 6 at 4). Plaintiff has failed to comply with the Court's August 14, 2018, Order by filing an Amended Complaint and the time to do so has now expired. In addition, Plaintiff's mail has been returned as undeliverable and has failed to inform the Court of his change of address. See (Doc. No. 7). Plaintiff appears to have abandoned this case and the Court is unable proceed. This case is therefore dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- (1) This action is dismissed without prejudice for Plaintiff's failure to file an Amended Complaint pursuant to this Court's order dated August 14, 2018.
- (2) The Clerk of this Court is directed to terminate this action.

Signed: October 3, 2018



Frank D. Whitney
Chief United States District Judge

